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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,336	06/15/2005	Robert C Gasman	C75130	7355
	7590 10/16/200 BEECHAM CORPOR	EXAMINER		
	INTELLECTUAL PRO	PEPITONE, MICHAEL F		
P. O. BOX 1539 KING OF PRUSSIA, PA 19406-0939			ART UNIT PAPER NUMB	
	•		4134	
			NOTIFICATION DATE	DELIVERY MODE
			10/16/2007	ELECTRONIC

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

US\_cipkop@gsk.com

Office Action Summary		Application No. Applicant(s)		pplicant(s)				
		10/539,336	G	ASMAN, ROBERT C				
		Examiner		rt Unit				
		Michael Pepitone	47	709 4134				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
	ORTENED STATUTORY PERIOD FOR REPLY	/ IS SET TO EVOL	DE 2 MONTH(C)	OD TUUDTY (20) DAYO				
WHIC - Exter after - If NC - Failu Any	CHEVER IS LONGER, FROM THE MAILING DA nasions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Depend for reply is specified above, the maximum statutory period we re to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS CON 36(a). In no event, however will apply and will expire SI , cause the application to b	MMUNICATION.  er, may a reply be timely (  X (6) MONTHS from the recome ABANDONED (3	filed mailing date of this communication. 35 U.S.C. § 133).				
Status								
1)⊠	Responsive to communication(s) filed on 6/15/	<u>′05</u> .		-				
2a) <u></u> □	This action is <b>FINAL</b> . 2b) This action is non-final.							
3)[	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
Dispositi	on of Claims	•	•					
4)⊠	Claim(s) <u>1-16</u> is/are pending in the application.			<i>\$</i>				
· ·	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)[	Claim(s) is/are allowed.							
6)⊠	Claim(s) <u>1-16</u> is/are rejected.							
	Claim(s) is/are objected to.							
8)[_]	Claim(s) are subject to restriction and/or	r election requirem	ent.					
Applicati	on Papers							
9)	The specification is objected to by the Examine	r.						
10)	The drawing(s) filed on is/are: a) ☐ acce	epted or b)□ objec	ted to by the Exa	miner.				
•	Applicant may not request that any objection to the	drawing(s) be held in	abeyance. See 37	CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	ınder 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:								
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	t(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date								
3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application								
Paper No(s)/Mail Date <u>6/15/05</u> . 6) Other:								

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn et al. (US Patent 6,166,102), in view of Pinschmidt, Jr. et al. (US Patent 6,538,143).

Regarding claim 1: Ahn et al. teaches a denture adhesive composition comprising a denture adhesive effective amount of a denture adhesive salt which is a mixed partial salt of a copolymer of an alkyl vinyl ether and maleic acid/anhydride which was partially reacted with an amino group, in a pharmacologically acceptable carrier {sodium carboxymethyl cellulose} wherein the cations are sodium, strontium, potassium, calcium, magnesium, zinc, and zirconium, and combinations thereof (1:1-7; 4:8-15; 5:1-6; 5:54-65; 6:19-23). Ahn et al. does not teach a mixed partial salt of an amino ethyl ethylene urea (AEEU) substituted alkyl vinyl ether/maleic acid copolymer. However, Pinschmidt, Jr. et al. teaches a wet adhesive composition, wherein cyclic ureas such as amino ethyl ethylene urea are used as a wet adhesion promoting moiety (3:14-45). Ahn et al. and Pinschmidt, Jr. et al. are combinable because they are concerned with a similar technical difficulty, namely the preparation of adhesives. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined wet adhesion promoters based on cyclic ureas (AEEU), as taught by Pinschmidt, Jr. et al. in the invention of

Ahn et al., and would have been motivated to do so since Pinschmidt, Jr. et al. suggests that such moieties promote wet adhesion (3:14-45), and is an equivalent alternative means of providing an adhesive for a wet environment.

Regarding claims 2-5: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], wherein the cations of the mixed partial salt are a combination of: sodium, magnesium, and zinc [instant claim 2]; magnesium and zinc [instant claim 3]; zinc and calcium [instant claim 4]; calcium and sodium [instant claim 5] (5:1-6),

Regarding claim 6: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], wherein the alkyl moiety is methyl {methyl vinyl ether} (4:41-45).

Regarding claim 7: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], wherein the composition is a cream (7:65-67).

Regarding claim 8: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], wherein the denture adhesive copolymer salt comprises 10-70% by weight of the adhesive composition (6:13-16).

Claims 9-10, and 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn et al. (US Patent 6,166,102), in view of Pinschmidt, Jr. et al. (US Patent 6,538,143), as applied to claim 1 above, and in further view of Wong et al. (US Patent 6,423,762).

Regarding claims 9-10: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], but does not teach a denture adhesive composition in the form of a powder or a liner. However, Wong et al. teaches a denture adhesive composition based on mixed partial salts of a copolymer of an alkyl vinyl ether and maleic acid/anhydride

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{MVE/MA}, wherein the composition is in the form of a powder [instant claim 9], a liner [instant claim 10] (6:54-61; 7:30-49). Ahn et al. and Wong et al. are combinable because they are concerned with a similar technical difficulty, namely the preparation denture adhesives. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined the denture adhesive in the form of a powder or liner, as taught by Wong et al. in the invention of Ahn et al., and would have been motivated to do so since Wong et al. suggests the composition is in contact with saliva, the denture adhesive hydrate and develop a high degree of tack (6:54-61), and is an equivalent alternative means of providing a denture adhesive.

Regarding claims 13-14: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], but does not teach a denture adhesive composition further comprising an acid activator. However, Wong et al. teaches a denture adhesive composition based on mixed partial salts of a copolymer of an alkyl vinyl ether and maleic acid/anhydride {MVE/MA}, wherein the composition further comprises an acid activator [instant claim 13], in an amount up to 3 weight% of the composition [instant claim 14] (3:15-21; 7:8-17). Ahn et al. and Wong et al. are combinable because they are concerned with a similar technical difficulty, namely the preparation denture adhesives. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined an acid activator, as taught by Wong et al. in the invention of Ahn et al., and would have been motivated to do so since Wong et al. suggests the acid activator provides better hold, longer hold, and better organoleptic properties (3:5-12), and is an equivalent alternative means of providing a denture adhesive.

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Claims 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn et al. (US Patent 6,166,102), in view of Pinschmidt, Jr. et al. (US Patent 6,538,143), as applied to claims 1 and 10 above, and in further view of Rajaiah et al. (US Patent 6,069,188).

Regarding claims 11-12: Ahn et al. teaches the basic claimed composition [as set forth above with respect to claim 1], but does not teach a denture adhesive composition in the form of a liner. However, Rajaiah et al. teaches a denture adhesive composition based on mixed partial salts of a copolymer of an alkyl vinyl ether and maleic acid/anhydride {MVE/MA}, wherein the liner is in the form of a hot-melt extruded liner [instant claim 11]; in the form of a non-adhesive self-supporting layer [instant claim 12] (2:10-24; 2:51-3:9). Ahn et al. and Rajaiah et al. are combinable because they are concerned with a similar technical difficulty, namely the preparation denture adhesives. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined the denture adhesive liner in the form of a hotmelt extruded liner or a non-adhesive self-supporting liner, as taught by Rajaiah et al. in the invention of Ahn et al., and would have been motivated to do so since Rajaiah et al. suggests that such liners provide a composition which is easy to clean from dentures, since the liner maintains its strength and integrity in the presence of water and/or saliva, and allows the composition to be peeled from the dentures (2:43-48), and is an equivalent alternative means of providing a denture adhesive.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn et al. (US Patent 6,166,102), in view of Pinschmidt, Jr. et al. (US Patent 6,538,143).

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Regarding claims 15-16: Ahn et al. teaches a denture adhesive composition comprising a denture adhesive effective amount of a denture adhesive salt which is a mixed partial salt of a copolymer of an alkyl vinyl ether and maleic acid/anhydride which was partially reacted with an amino group, wherein the cations are sodium, strontium, potassium, calcium, magnesium, zinc, and zirconium and combinations thereof (1:1-7; 4:8-15; 5:1-6; 6:19-23). Ahn et al. does not teach a mixed partial salt of an amino ethyl ethylene urea (AEEU) substituted alkyl vinyl ether/maleic acid copolymer. However, Pinschmidt, Jr. et al. teaches a wet adhesive composition, wherein cyclic ureas such as amino ethyl ethylene urea are used as a wet adhesion promoting moiety (3:14-45). Ahn et al. and Pinschmidt, Jr. et al. are combinable because they are concerned with a similar technical difficulty, namely the preparation of adhesives. At the time of invention a person of ordinary skill in the art would have found it obvious to have combined wet adhesion promoters based on cyclic ureas (AEEU), as taught by Pinschmidt, Jr. et al. in the invention of Ahn et al., and would have been motivated to do so since Pinschmidt, Jr. et al. suggests that such moieties promote wet adhesion (3:14-45), and is an equivalent alternative means of providing an adhesive for a wet environment.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. See attached form PTO-892.

## Correspondence

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pepitone whose telephone number is 571-270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**MFP** 

03-October-2007

SUPERVISORY PATENT EXAMINER